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EXAMINER
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PORTER, RACHEL L

ART UNIT	PAPER NUMBER
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3626

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01/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/715,872

Applicant(s)

BLESER ET AL.

Examiner

RACHEL L. PORTER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,8-11 and 13-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 8, 9-11, and 13-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Notice to Applicant***

1. This communication is in response to the amendment filed 10/31/07. Claims 1, 4, 5, 8, 9-11, and 13-26 are pending. Claims 19-26 are new.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/07 has been entered.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 20, 23, and 25 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5. Claims 20, 23, and 25 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 20, 23, and 25 recite limitations that are new matter, and are therefore rejected. The newly recited limitations include

- Claim 20: "wherein the application server is further configured to receive and store answers from the customer to a quiz concerning health issues."
- Claim 23: "wherein the application server is further configured to register the customer through a "click free" registration."
- Claim 25 : "wherein the application server is further configured to display a hyperlinked image of drug associated with the prescription order."

In particular, the Applicant does not point to, nor was the Examiner able to find, any support for this newly added claim language within the specification as originally filed. As such, the Applicant is respectfully requested to clarify the above issues and to specifically point out support for the newly added limitations in the originally filed specification and claims, or to cancel the new matter in the reply to this Office Action.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 4,5, 8, 17, and 19-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1 and 17 it is unclear whether the applicant intends to claim a system or a method for prescription ordering. While the preamble recites a system comprising, the body of the claim lists both system components and method steps.

In *IPXL Holdings, L.L.C. v Amazon.Com, Inc.* (CAFC, 05-1009, -1487, 11/21/2005), the court held a claim covering two statutory classes to be properly rejected under 112, 2<sup>nd</sup> paragraph:

Whether a single claim covering both an apparatus and a method of use of that apparatus is invalid is an issue of first impression in this court. The Board of Patent Appeals and Interferences ("Board") of the PTO, however, has made it clear that reciting both an apparatus and a method of using that apparatus renders a claim indefinite under section 112, paragraph 2. *Ex parte Lyell*, 17 USPQ2d 1548 (BPAI 1990). As the Board noted in *Lyell*, "the statutory class of invention is important in determining patentability and infringement." *Id.* at 1550 (citing *In re Kuehl*, 475 F.2d 658, 665 (CCPA 1973); *Rubber Co. v. Goodyear*, 76 U.S. 788, 796 (1870)). The Board correctly surmised that, as a result of the combination of two separate statutory classes of invention, a manufacturer or seller of the claimed apparatus would not know from the claim whether it might also be liable for contributory infringement because a buyer or user of the apparatus later performs the claimed method of using the apparatus. *Id.* Thus, such a claim "is not sufficiently precise to provide competitors with an accurate determination of the 'metes and bounds' of protection involved" and is "ambiguous and properly rejected" under section 112, paragraph 2. *Id.* at 1550-51. This rule is well recognized and has been incorporated into the PTO's Manual of Patent Examination Procedure. § 2173.05(p)(II) (1999) ("A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph."); see also Robert C. Faber, *Landis on Mechanics of Patent Claim Drafting* § 60A (2001) ("Never mix claim types to different classes of invention in a single claim.").

Claims 4, 5, 8, and 20-26 inherit the deficiencies of claim 1 through dependency and are also rejected.

***Response to Arguments***

8. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1,4,5,8-10,15-20,23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szabo (USPN 5,954,640) in view of "Name Change Reflects CVS' Commitment to E-commerce" (Anonymous) and in further view of Mayaud (USPN 5,845,255 A).

[Claim 1] Szabo teaches a system for accessing pharmacy data and ordering medical treatments via a network comprising:

- a network server connected to the network that is accessible by one or more customers via the network; (Figure 1; Web server (10))
- an application server connected to the network server; (Figure 1, Application server (15))

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- a database connected to the application server, the database containing information concerning drugs and personal information concerning one or more of the customers; and (Figure 1; database 11-14)
- an intranet server being connected to the application server; (col. 9, lines 46-54—data sent to pharmacists/medical professionals; col. 10, lines 51-62; col. 14, lines 8-16—users may connect pharmaceutical information of different vendors)
- wherein the application server is configured to :
  - receive username from a customer with the network website; (Figure 2; col. 13, lines 43-67)
  - display one or more order displays to the customer on the website when the customer selects the order selection; and (col. 10, lines 51-62; col. 16, lines 8-14)
  - allow a customer to access the information concerning drugs and personal information concerning that customer, wherein the personal history includes a prescription drug history of one or more customers (col. 7, lines 62-col. 8, line 4—e.g. drugs being taken)
  - provide each of the one or more customers to transmit an order to at least one vendor/one of the one or more shipping facilities (Figure 2; col. 8, lines 5-19; col. 12, lines 51-62; col. 13, lines 24-42—Application server performs optimization, allows user to evaluate a proposed purchase on a health

optimization, and helps link patient to purchasing system for order placement.)

Szabo teaches the system for accessing pharmacy system as explained above. However, Szabo does not expressly disclose that the server interconnects to at least a plurality of member pharmacies and one or more shipping facilities. "Name change" discloses an intranet, (i.e. users logon—par. 1) web-based prescription system that interconnects a plurality of member pharmacies and one or more shipping facilities (par. 4-5). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Szabo with the teaching of "Name change" to include have the intranet server interconnect a plurality of member pharmacies with one or more shipping facility. As suggested by "Name change," one would have been motivated to include this feature to allow customers to control their shopping experience by determining when and how they access the store, and to place orders for prescriptions in a way that is convenient, confidential and price competitive. (par. 6-7)

Claim 1 further recites that the application server is configured to provide customers with an option to transmit a prescription order to at least one of a plurality of member pharmacies or one or more shipping facilities, wherein at least one drug associated with the prescription is shipped from one of the one or more shipping facilities when the customer chooses the option. Szabo discloses an Internet based system for ordering medical treatments as explained above, but does not expressly disclose providing customers with the option to transmit a prescription order to at least



one of a plurality of member pharmacies or one or more shipping facilities, wherein at least one drug associated with the prescription is shipped from one of the one or more shipping facilities when the customer chooses the option.

"Name change" discloses a prescription ordering system wherein the customer is given the option of transmitting a prescription order and having the prescription order shipped from a shipping facility (i.e. to the home of the customer) or having it sent to a selected member pharmacy (i.e. prepared for pick-up at a retail pharmacy). (par. 4-5) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Szabo with the teaching of "Name change" provide users with the option of transmitting prescription orders to a shipping facility or one of the member pharmacies. As suggested by "Name change," one would have been motivated to include this feature to allow customers to control their shopping experience by determining when and how they access the store, and to place orders for prescriptions in a way that is convenient, confidential and price competitive. (par. 6-7)

Szabo discloses entering user name and information. However, Szabo and "Name Change" do not expressly disclose the use of passwords as part of the user access system. Mayaud discloses a prescription creation/file access system wherein the individuals submitting prescriptions and accessing the patient profiles use passwords (col. 10, lines 12-51). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Szabo and "Name Change" in combination with the teaching of Mayaud to include the use of passwords to access profiles and/or submit prescriptions. As suggested by Mayaud,

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one would have been motivated to include this feature to further protect sensitive patient information, (col. 10, lines 24-27) and to provide an audit trail of individuals accessing the system (col. 18, lines 62-65)

[Claim 4] Szabo teaches the system as defined in claim 1, wherein the network server is configured to format display of the prescription history of each respective one of the one or more customers according to a plurality of selectable display formats that are selected by the respective one of the one or more customers. (Figure 3; col. 6, lines 26-35; col. 12, lines 35-61—customizable screen interface)

[Claim 5] Szabo teaches system wherein the network server is configured to allow each respective one of the one or more customers to print each particular selectable display format of the history that is selected by the respective one or the one or more customers. (col. 6, lines 43-47; col. 12, lines 35-61—tailored screen output or printout specific for that user, which specifically includes medical history)

[Claim 8] Szabo discloses an Internet based system for ordering drugs/nutritional supplements. Szabo teaches a method wherein the particular order includes one of a new order or a refill of an existing order (col. 15, lines 5-14; col. 16, lines 27-39). Szabo does not expressly disclose that the orders placed are prescriptions.

“Name change” discloses a system for placing prescription and nonprescription drug orders, wherein the customer is given the option of transmitting a prescription

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order and having the prescription order shipped from a shipping facility (i.e. to the home of the customer) or having it sent to a member pharmacy (i.e. prepared for pick-up at a retail pharmacy).(par. 4-5) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Szabo with the teaching of "Name change" provide users with the option of transmitting new or existing prescription and nonprescription orders to a shipping facility or one of the member pharmacies. As suggested by "Name change," one would have been motivated to include this feature to allow customers to control their shopping experience by determining when and how they access the store, and to place orders for prescriptions in a way that is convenient, confidential and price competitive. (par. 6-7)

[Claim 9] Szabo teaches method enabling one or more customers to order medical treatments supplements and access pharmacy data via a network comprising the steps of:

- accessing a network server hosting a network website via the network; (Figures 1-2)
- registering a customer with the network website, including prompting the user to enter the username; (Figure 2; col. 13, lines 43-67)
- displaying to the customer on the website at least one of a prescription order selection or a pharmacy data access selection; (col. 14, lines 11-16; col. 15, lines 5-14)
- displaying one or more order displays to the customer on the website when the customer selects the order selection; and (col. 10, lines 51-62; col. 16, lines 8-14)

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- receiving from the customer a particular order via a communication network (col. 15, lines 5-14)
- performing a perscription interaction interaction for the particular order and sending a confirmation (col. 16, lines 3-20)
- displaying one or more pharmacy data access displays to the customer when the customer selects the pharmacy data access selection, wherein the customer is allowed to access one of a personal medical history and specific drug (i.e. supplement) information from a database. (col. 14, lines 11-16; col. 16, lines 16-26)

Szabo teaches the system for accessing pharmacy system as explained above. However, Szabo does not express disclose that the network interconnects to at least a plurality of member pharmacies and one or more distribution facilities. "Name change" discloses an intranet, (i.e. users logon—par. 1) web-based prescription drug system that interconnects a plurality of member pharmacies and one or more distribution facilities (par. 4-5). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Szabo with the teaching of "Name change" to include have the intranet connect a plurality of member pharmacies with one or more shipping facility. As suggested by "Name change," one would have been motivated to include this feature to allow customers to control their shopping experience by determining when and how they access the store, and to place orders for prescriptions in a way that is convenient, confidential and price competitive. (par. 6-7)

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Szabo discloses entering user name and information. However, Szabo and "Name Change" do not expressly disclose the use of passwords as part of the user access system. Mayaud discloses a prescription creation/file access system wherein the individuals submitting prescriptions and accessing the patient profiles use passwords (col. 10, lines 12-51). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Szabo and "Name Change" in combination with the teaching of Mayaud to include the use of passwords to access profiles and/or submit prescriptions. As suggested by Mayaud, one would have been motivated to include this feature to further protect sensitive patient information, (col. 10, lines 24-27) and to provide an audit trail of individuals accessing the system (col. 18, lines 62-65)

[Claim 10] Szabo and Name change teach a prescription ordering method including the step of registering customers as explained in the rejection of claim 9. Szabo further discloses a method wherein the step of registering the customer further comprises the steps of:

- prompting the customer to enter a username and personal profile information; (col. 13, lines 43-67)
- transmitting and storing an entered username and personal profile information to/in a network server; (Figure 1—personal storage database ; col. 13, lines 30-37)
- enabling the customer to access at least portions of the website by subsequent entry of the entered username (Figure 3; col. 16, lines 15-39)

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Szabo discloses the method above, and "Name Change" discloses that website visitors can browse the site and set up a permanent account. However, Szabo and "Name Change" do not expressly disclose the use of passwords as part of the user access system. Mayaud discloses a prescription creation/file access system wherein the individuals submitting prescriptions and accessing the patient profiles use passwords (col. 10, lines 12-51). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Szabo and "Name Change" in combination with the teaching of Mayaud to include the use of passwords to access profiles and/or submit prescriptions. As suggested by Mayaud, one would have been motivated to include this feature to further protect sensitive patient information, (col. 10, lines 24-27) and to provide an audit trail of individuals accessing the system (col. 18, lines 62-65)

[Claim 15] Szabo and "Name Change" disclose the system of claim 9, as explained in the rejection of claim 9. Furthermore, Szabo teaches a method further comprising the steps of:

- enabling the customer to select one or more display formats for the personal history; and (Figure 3; col. 6, lines 26-35; col. 12, lines 35-61- customizable screen interface)

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- enabling a customer to print a specific format selected by the customer from the one or more display formats. (col. 6, lines 43-47; col. 12, lines 35-61-- tailored screen output or printout specific for that user, which specifically includes medical history)

[Claim 16] Szabo and "Name Change" teach the method of claim 9 as explained in the rejection of claim 9. Furthermore, Szabo discloses a method wherein the particular order will one of b) be shipped to a designated postal address. (col. 6, lines 47-56; col. 10, lines 51-62; col. 15, lines 5-14—System allows the prescribed treatment to be purchased a retail facility (i.e. pharmacy store location or through the mail. )

Szabo does not disclose providing customers with an option to: A) manually pick the prescription up a selected pharmacy location, or B) ship the prescription designated postal address. "Name change" discloses a prescription ordering system wherein the customer is given the option of having the prescription shipped to the home of the customer (B) or picking it up at a member pharmacy (A). (par. 4-5) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Szabo with the teaching of "Name change" provide users with the option of shipping prescription orders to a designated address or picking them up at one of the member pharmacies. As suggested by "Name change," one would have been motivated to include this feature to allow customers to control their shopping experience by determining when and how they access the store, and to place orders for prescriptions in a way that is convenient, confidential and price competitive. (par. 6-7)

[claim 17] The limitations of claim 17 are substantially similar to claim 1. As such, the limitations of claim 17 are addressed by the rejection of claim 1, and incorporated herein.

[claim 18] The limitations of claim 18 are substantially similar to those recited in claims 9,11 and 16. As such, the limitations are addressed by the rejections of claims 9,11 and 16, and incorporated herein.

[Claim 19]

System claim19 repeats the subject matter of claim 9 as a set of "means-plus-function" elements rather than a series of steps. As the underlying process has been shown to be fully disclosed by the teachings of Szabo, Name Change, and Mayaude in the above rejection of claim 9, it is readily apparent that these references include a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claim 9, and incorporated herein.

[Claim 20] Szabo discloses the system as defined in claim 1, wherein the application server is further configured to receive and store answers from the customer to a quiz concerning health issues. (Figure 2; col. 7, 62-67)

[Claim 23] Szabo discloses the system as defined in claim 1, wherein the application server is further configured to register the customer through a "click free" registration. (Figure 2)



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[Claim 26] Szabo discloses the system as defined in claim 1, wherein the application server is further configured to display a status of the prescription order. (col. 16, lines 8-14)

11. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szabo and "Name Change", in view of Mayaud as applied to claim 9, and in further view of Godin et al (US 2001/0009005)

[Claim 13] Szabo, "Name Change," and Mayaud teach the method as defined in claim 9 as explained in the rejection of claim 9. Szabo further discloses a method requiring the use of personal profile information and other identifying information to access the system, but Szabo and Name Change do not expressly disclose assigning users PIN numbers to access the system.

Godin discloses a method for providing user access to a website further comprising :

- assigning the customer a personal identification number subsequent to the step of registering the user; (par. 27)
- communicating the personal identification number to the customer via a secured communication; and (par. 23,27)
- prompting the customer to enter the personal identification number to allow the customer to access secured portions of the website. (Figure 2, 11, par. 34)

At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method Szabo and "Name Change" in combination with

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Godin to provide assigned PIN's to registered system users. As suggested by Godin, one would have been motivated to include these features to further protect sensitive information and to further bolster system security (par. 23, lines 1-7).

[Claim 14] Szabo teaches a method as defined in claim 9, wherein the step of registering the customer further comprises:

- manually entering a username and a customer personal profile concerning the customer into a connection to an intranet server; (col. 6, lines 12-25)
- associating the customer in a network server (col. 6, lines 26-35)

Szabo discloses the method as disclosed above, but does not disclose providing a user name, password, or customer into a connection to an intranet server located in one of any one of a plurality of member pharmacies and one or more centralized company locations facilities. "Name change" discloses an intranet, (i.e. users login—par. 1) web-based prescription drug system that interconnects a plurality of member pharmacies and one or more central company facilities. (par. 4-5). "Name change further discloses associating the customer to network server. (par. 1 and 3) Consumers set up permanent accounts, log on, browse the website, and order prescription and nonprescription products. At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Szabo with the teaching of "Name change" to include have the intranet connect a plurality of member pharmacies with one or more shipping facility. As suggested by "Name change," one would have been motivated to include this feature to allow customers to control their

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shopping experience by determining when and how they access the store, and to place orders for prescriptions in a way that is convenient, confidential and price competitive.

(par. 6-7)

Szabo and "Name Change" disclose the method as disclosed above. "Name Change" further discloses that the user must set up a permanent account and may have orders shipped to his/her address. However, Szabo, "Name Change" and Mayaud in combination do not expressly disclose manually entering customer contact information; and communicating at least a username and password, which enable the customer to access the network website, to the user via a secured communication using the customer contact information.

Godin discloses a system and method further comprising manually entering customer contact information; (Figures 2, 11; par. 27-28) and communicating at least a username and password, which enable the customer to access the network website, to the user via a secured communication using the customer contact information. (Figures 2, 11; par. 23, 34) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Szabo and "Name Change" in combination with the teaching of Godin. As suggested by Godin, one would have been motivated to include these features to further protect sensitive information and to further bolster system security (par. 23, lines 1-7).

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12. Claims 11, 21, 22, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szabo and "Name Change", in view of Mayaud as applied to claim 1, and in further view of McCormick (US 2002/0035484 A1).

[Claim 11] Szabo teaches a method, wherein the personal prescription history includes each of current prescriptions, dosage strength, drug name, a link to drug information, and the drug's price (col. 7, lines 62-col. 8, line 4—e.g. drugs being taken; col.9, lines 44-54: medical practitioner; col. 13, lines 44-67; col. 15, lines 30-60; col. 16, lines 15-26—e.g. medical conditions and treatments)

Szabo does not expressly disclose including the medical practitioners name, but does disclose that the patient may be under the care of a physician (col. 9, lines 44-54). McCormick teaches a system wherein the the name of the prescribing physician is provided. (abstract, par. 58-59, 96 (Dr. signature)) At the time of the applicant's invention, would have been obvious to one of ordinary skill in the art to modify the system of Szabo and "Name Change", and Mayaud in combination with the teachings of McCormick. One would have motivated to include these features to provide better customer service and reduce possible errors associated with filling and refilling patient prescriptions (par. 56)

[Claims 21, 22, 24, and 25] Szabo and "Name Change", and Mayaud discloses the system as defined in claim 1, as explained in the rejection of claim 1. However, they do not expressly disclose a system wherein the application server is further configured to

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display the name of the prescribing doctor, display to the customer the number of refills left for the prescription order, is configured to send a refill reminder email to remind the customer to refill the prescription or wherein the application server is further configured to display a hyperlinked image of drug associated with the prescription order.

McCormick teaches a system wherein the name of the prescribing physician and number of customer refill remaining are displayed (wherein refill notices are generated to remind the customer about orders/refills (abstract, par. 58-59, 96 (Dr. signature)) McCormick further discloses that links (i.e. hyperlinks) may be used to retrieve information regarding where a prescription order may be filled. (par. 54) At the time of the applicant's invention, would have been obvious to one of ordinary skill in the art to modify the system of Szabo and "Name Change", and Mayaud in combination with the teachings of McCormick. One would have motivated to include these features to provide better customer service and reduce possible errors associated with filling and refilling patient prescriptions (par. 56)

### ***Conclusion***

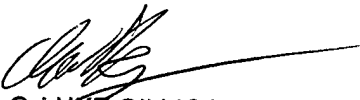
Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHEL L. PORTER whose telephone number is (571)272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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RP  
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